

# Notice of Allowability

Application No.

10/700,514

Examiner

Tom P. Duong

Applicant(s)

OHTAKE ET AL.

Art Unit

1764

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/5/03.
2. ☒ The allowed claim(s) is/are 1-25.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 4/5/04; 4/30/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. David L. Tarnoff on November 7, 2006.

The application has been amended as follows:

In the claims:

In claim 1, line 7, insert --control at least one regeneration control device-- before "reduce".

In claim 1, line 9, insert --the control of the at least one regeneration control device results in-- before "at least one of".

In claim 1, line 10, delete "is" replace with --being--.

In claim 1, line 15, delete "is" replace with --being--.

In claim 15, line 7, insert --controlling at least one regeneration control device and for-- before "reducing".

In claim 15, line 9, insert --by the control of the at least one regeneration control device-- before “such”.

In claim 15, line 9, insert --the control of the at least one regeneration control device results in-- before “at least one of”.

In claim 15, line 10, delete “is” replace with --being--.

In claim 15, line 15, delete “is” replace with --being--.

In claim 16, line 11, insert --control at least one regeneration control device-- before “reduce”.

In claim 16, line 11, insert --by the control of the at least one regeneration control device--before “such”.

In claim 16, line 9, insert --the control of the at least one regeneration control device results in-- before “at least one of”.

In claim 15, line 14, delete “is” replace with --being--.

In claim 15, line 20, delete “is” replace with --being--.

The following is an examiner’s statement of reasons for allowance:

The prior art fails to disclose or suggest “a temperature rise restraining section configured to control at least one regeneration control device reduce a temperature rise amount of the exhaust gas caused by the exhaust gas temperature increasing section

to a lower value based on a temperature of the particulate filter such that the control of the at least one regeneration control device results in at least one of the lower value of the temperature rise amount of the exhaust gas being less than it would be where the temperature of the particulate filter rises comparatively gradually, when the temperature of the particulate filter rises too rapidly during regeneration of the particulate filter by the exhaust gas temperature increasing section, and the lower value of the temperature rise amount of the exhaust gas being below a normal value that is used to bring the particulate filter to a target particulate filter temperature during regeneration”.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

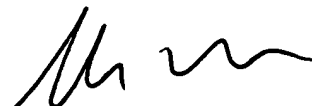
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom P. Duong whose telephone number is (571) 272-2794. The examiner can normally be reached on 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Glenn Caldarola can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tom Duong  
November 8, 2006

TP



Glenn Calderola  
Supervisory Patent Examiner  
Art Unit 1764